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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,249	03/07/2002	Gang Wu	4035-0147P	9274

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EXAMINER

HUANG, WEN WU

ART UNIT	PAPER NUMBER
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2682

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/092,249

Applicant(s)

WU ET AL.

Examiner

Wen Huang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim 2 has been cancelled.

Claim 1 is now pending

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Walsh et al ("Hybrid Networks – A Step Beyond 3G").

Regarding claim 1, Walsh et al teach a network system that seamlessly integrates wireless communication systems, such network system being characterized in that (see Walsh et al, abstract):

an architecture of the network system including at least four building blocks including a mobile host, a wireless access network, a common core network, and an external network (see Walsh et al, fig. 6);

the external network has a correspondent node (see Walsh et al, fig. 6, component "CN");

the external network and the common core network being connected together via at least one gateway router (see Walsh et al, fig. 6, component "BG");

the common core network having two functional modules including a resource manager and a mobility manager (see Walsh et al, fig. 6, components "TC" and "MM");

the wireless access network internally comprising at least one set of base stations or access points and base stations or access point interfaces, and network interfaces (see Walsh et al, fig. 6, components "Access System");

the base station or access point interfaces realizing an access mechanism that enable access between the common core network and the base stations or access points (see Walsh et al, fig. 6, component "IU"); and

the network interface realizing an access mechanism that enables access between the base stations or access points and the mobile host (see Walsh et al, fig. 7, component "SM");

the common core network has a basic access network (see Walsh et al, III.2.1, tenth paragraph, "selected access system"), the basic access network is comprising a network interface of base stations or access points, base stations or access points, and basic access components (see Walsh et al, fig. 6, component "Access System");

the mobile host comprising at least a network interface, a network selector, a locator, a basic access component, and a local resource manager (see Walsh et al, fig. 7, component "RS"; it is inherent that a mobile host comprising a locator in order to signal with Home Agent; see Walsh et al, III.2, last paragraph), the basic access component of the basic access network and the basic access component of the mobile host communicate with each other (see Walsh et al, fig. 7, components "SM" and "RS").

Response to Arguments

Applicant's arguments filed 2/7/05 have been fully considered but they are not persuasive.

Regarding claim 1, applicant argues that "the common core network including a basic access network, the basic access network comprising..." is not taught by Walsh. The examiner respectfully disagrees.

First, applicant argues that the access system (AS) of Walsh is not part of the DRiVE core network because the access system of Walsh communicates with the DRIVE core network via the interface unit (IU). However, the basic access network (BAN) of present invention, which is part of the common core network (CCN), communicates with the common core via a base station interface (BSI) as shown on fig. 3 of present invention. The examiner sees no difference between the interface unit (IU) and the base station interface (BSI) as claimed. Therefore, the argument does not stand.

Second, applicant argues that the wireless access network (WAN) and the basic access network (BAN) of present invention are two distinct building blocks. And applicant further argues that the AS of Walsh cannot be construed as both the BAN and the WAN of present invention. The examiner respectfully disagrees.

As recited in the prior office action, the examiner construes the particular one selected AS of Walsh, which handles all traffic from a Home Agent (HA), as the BAN of present invention; and the rest of AS of Walsh, which are in used during a

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communication performed over multiple AS in parallel at the same time (see Walsh, last sentence of the first paragraph under III.2 *Functionality and Architecture*), as the WAN of present invention.

Last, applicant argues that the BAN of present invention is dedicated to signaling related traffic and the WAN of present invention is optimized for data traffic. The examiner regards "all traffic from a HA" as "signaling related traffic". Furthermore, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the BAN dedicated to signaling related traffic) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wen Huang whose telephone number is (571) 272-7852. The examiner can normally be reached on 10am - 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on (571) 272-7848. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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6/16/05


LEE NGUYEN
PRIMARY EXAMINER